reach majority without having to make certain financial sacrifice. Yet, the appellant, instead of showing gratitude, chose to sue the respondents who are his uncles. In the last few years the price of land had shot up considerably and he felt that he was entitled to his natural father's property without considering how the respondents could support and maintain him and his sisters until they came of age. He was too young then. He is now old enough but not wise enough to understand human relationship and brotherly sacrifice on the part of uncles when his mother left him and his sisters to fend for themselves. His sisters were wiser.

For the above reasons, we would dimiss the appeal with costs. Deposit to the respondents to account of taxed costs.

Appeal dismissed.

Solicitors: *Yong & Co.; Battenberg & Talma.*

CHANG LIANG SANG & ORS. v. PUBLIC PROSECUTOR

[F.C. (Raja Azlan Shah C.J. (Malaya), Wan Suleiman F.J. & Abdoolcader J.) June 21, 1982]
[Kuala Lumpur – Federal Court Criminal Appeal No. 5 of 1978]

Criminal Law and Procedure – Sentence – Offence of trafficking dangerous drug – Other than in most exceptional circumstances sentence of death should be imposed for conviction – Dangerous Drugs Act, 1952, s. 39B.

Dangerous Drugs – Trafficking – Sentencing policy Dangerous Drugs Act, 1952, s. 39B.

In this case the appellants had been convicted of the offence of trafficking 974 grammes of heroin. The evidence showed that they were involved in the sale of heroin and that they were part of an organized syndicate trafficking in dangerous drugs. They appealed against conviction and sentence.

Held: (1) the appeal against conviction must be dismissed as there was sufficient evidence to justify their conviction;

(2) other than in most exceptional circumstances, a sentence of death should be imposed following a conviction for trafficking in dangerous drugs, in order to mark the gravity of the offence, to emphasize public disapproval, to serve as a warning to others, to punish the offenders and most of all to protect the public.

Case referred to:

(1) *Loh Hock Seng* v. *Public Prosecutor* [1980] 2 M.L.J. 13.

FEDERAL COURT.

Mohamed Noor bin Haji Don for the 1st, 2nd and 3rd appellants.

Karpal Singh for the 4th appellant.

Shaikh Daud bin Haji Mohamed Ismail (Deputy Public Prosecutor) for the respondent.

Cur. Adv. Vult.

Raja Azlan Shah C.J. (Malaya) (delivering the judgment of the Court): The appellants were charged with trafficking 974 grammes of heroin, an offence under section 39B (1)(a) of the Dangerous Drugs Act 1952 and punishable under section 39B (2) of the said Act.

The evidence against them showed that they were involved in the sale of heroin and that they were part of an organized syndicate trafficking in dangerous drugs. They were convicted and sentenced to death.

We dismissed their appeal against conviction as we were satisfied that there was sufficient evidence to justify their conviction.

We considered the appeal against sentence. In that respect we would like to stress that in drug trafficking cases very little allowance can be made for the circumstances of individual offenders. We had said enough in *Loh Hock Seng & Anor.* v. *Public Prosecutor*[1] and similar cases. A study of these cases indicates the strong concern of this court that as far as possible in this difficult area of sentencing there should be reasonable conformity in the sentences imposed in similar cases. Other than in the most exceptional circumstances, a sentence of death should be imposed following a conviction for trafficking, in order to mark the gravity of the offence, to emphasize public disapproval, to serve as a warning to others, to punish the offenders and most of all to protect the public.

We dismissed their appeal against sentence.

Appeal dismissed.

Solicitors: *Radzi Sheikh Ahmad, Noor & Farid; Karpal Singh & Co.*